ļ	
1	EDMUND G. BROWN JR.
2	Attorney General of California DIANN SOKOLOFF
3	Supervising Deputy Attorney General SUSANA A. GONZALES
4	Deputy Attorney General State Bar No. 253027
	1515 Clay Street, 20th Floor
5	P.O. Box 70550 Oakland, CA 94612-0550
6	Telephone: (510) 622-2221 Facsimile: (510) 622-2270
7	E-mail: Susana.Gonzales@doj.ca.gov Attorneys for Complainant
. 8	BEFORE THE
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11.	A 21 /// A
12	In the Matter of the Accusation Against: Case No. 2011-460
13	GERALD HALILI ROMERO 2175 Decoto Road, Apt #174
14	Union City, CA 94587 Registered Nurse License No. 555501 A C C U S A T I O N
15	Respondent.
16	
17	Complainant alleges:
18	PARTIES
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen
21	
22	of Consumer Affairs.
23	2. On or about June 4, 1999, the Board of Registered Nursing issued Registered Nurse
24	License Number 555501 to Gerald Halili Romero (Respondent). The Registered Nurse License
25	was in full force and effect at all times relevant to the charges brought in this Accusation and will
26	expire on December 31, 2010, unless renewed.
27	
28	
	. 1

<u>JURISDICTION</u>

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

9

7

12 13

1415

16 17

18

19 20

21

2223

2425

26 27

28

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code §2761(a)(4))

Respondent has subjected his registered nurse license to disciplinary action under 9. Code section 2761, subdivision (a)(4), in that on or about June 13, 2006, in a disciplinary action before the Nevada State Board of Nursing (Nevada Board), Case Number 0202-05C, the Nevada Board entered an Order for Reprimand (Order), reprimanding Respondent and placing his registered nurse license on probation for a minimum of three years, subject to various terms and conditions. Pursuant to the Order, prior to renewal of his license, Respondent was required to: (1) take and successfully complete a legal ethics in nursing course; (2) take and successfully complete the National Council of State Boards of Nursing's professional accountability course; (3) take and successfully complete a documentation in nursing course; (4) take and successfully complete the Nevada Board's "Professional Boundaries" course; (5) prior to Respondent's evaluation by the Disability Advisory Committee, cause his psychiatrist to submit an evaluation, including a medication evaluation, treatment recommendations, and diagnosis, to the Nevada Board; and (6) follow all recommendations of his treating practitioner and the Disability Advisory Committee. Pursuant to the Order, upon completion of the above conditions, Respondent was allowed to reapply for renewal of his license and be issued a restricted license under terms and conditions that required Respondent to: (1) have his license marked "restricted" throughout the probationary period; (2) participate in individual counseling with a Board-approved practitioner; (3) cause his treating practitioner to submit quarterly reports to the Nevada Board, addressing Respondent's ability to adhere to recommended treatment and to safely practice nursing; (4) participate in individual counseling until obtaining approval to discontinue counseling from his practitioner and the Nevada Board; (5) notify the Nevada Board, in writing, of any change of

25

26

27

28

address; (6) within the first year of the Order, attend at least one meeting of the Nevada Board during which disciplinary hearings are held; (7) obtain written approval of the Nevada Board of all nursing employment sites; (8) notify the Nevada Board within 72 hours after commencement or termination of any nursing employment; (9) work under the direction of a registered nurse; (10) not function as supervisor for at least one year and only with the approval of the Nevada Board; (11) not work more than 90 hours in nursing in a two-week period; (12) provide a copy of the Order to all employers and immediate supervisors prior to the commencement of work; (13) cause his nursing supervisor to submit a written report prior to the commencement of employment; (14) cause his nursing supervisor to submit monthly written reports to the Nevada Board, addressing Respondent's work attendance, reliability, ability to carry out assigned nursing functions, and ability to handle stress; (15) submit monthly self-reports on his progress, his ability to handle stress, his mental and physical health, his current job duties, and his ability to safely practice nursing; (16) meet with the Nevada Board or staff upon request; (17) assume financial responsibility for all requirements of the Order; (18) provide a copy of the Order to any other state Board of Nursing in whose jurisdiction he has been issued a nursing license or certificate, whether current or not; (19) provide a copy of the Order to any other state Board of Nursing in whose jurisdiction Respondent has applied or will apply for a license or certificate; and (20) obey all laws and report any violations of law to the Nevada Board within 72 hours.

or about January 16, 2005, while employed at Desert Lane Care in Las Vegas, Nevada, Respondent documented in the Medication Administration Record that he administered medications for the following day, January 17, 2005. On or about January 23, 2005, while working for the same employer, Respondent failed to document in the Medication Administration Record that he administered medication to eight patients. On this same date, Respondent used a piece of paper from a patient's bedside as a bandage after he pricked the patient's finger. Respondent also failed to address this patient's concerns about her blood sugar and insulin administration. Moreover, Respondent removed a portable radio from the dining room and placed it in the nurses' station, then played music so loudly that it was heard in the patient rooms.

- 11	· · · · · · · · · · · · · · · · · · ·
1	Respondent sat at the nurses' station listening to the radio while four of his patients requested
2	pain medication. Finally, Respondent failed to properly communicate with a Certified Nursing
3	Assistant (CNA) on duty. According to the CNA, Respondent asked her to administer medication
4	to one of his patient's.
5	<u>PRAYER</u>
6	WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7	Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:
8	1. Revoking or suspending Registered Nurse License Number 555501, issued to Gerald
9	Halili Romero;
10	2. Ordering Gerald Halili Romero to pay the Board of Registered Nursing the
11	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12	Professions Code section 125.3;
13	3. Taking such other and further action as deemed necessary and proper.
14	
15	Demont Marie when the same of Sail
16	DATED. Flovembes 15, 2015 Cruse & Daile LOUISE R. BAILEY, M.ED., RN Interim Executive Officer
17	Board of Registered Nursing Department of Consumer Affairs
18	State of California Complainant
19	Complanain
20	SF2010900433
21	90166659.doc
22	
23	
24	
25	
26	
27	